



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/555,340

05/25/2006

Ming Ji

P28758

3936

52123 7590 01/14/2010  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

GELAGAY, SHEWAYE

ART UNIT

PAPER NUMBER

2437

NOTIFICATION DATE

DELIVERY MODE

01/14/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/555,340	<b>Applicant(s)</b> JI ET AL.	
	<b>Examiner</b> SHEWAYE GELAGAY	<b>Art Unit</b> 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/3/05 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/15/09</u> .                                                 | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to a preliminary amendment filed on September 10, 2009.
2. Claims 1-9 have been amended. Claims 1-9 are pending.

### ***Response to Arguments***

3. With respect to the IDS, Examiner would like to point out that ISA has not provided the cited document. Examiner also contacted the ISMA to get the cited document and searched on the Internet with no success. Therefore, the Examiner is unable to consider cited non-patent literature.
4. With respect to the foreign priority application, the applicant argued that "Applicants have used the English language expression "ISMA header" in the present application merely as a general expression to refer to the information that is provided before the ISMA protected media payload is received and processed, and has no other specific meaning....Applicants also submit that it is inherent that an ISMA media stream contains such signaling information before the ISMP protected media payload is received and processed. Applicants also submit that such "ISMA header" information, which is provided before the ISMA protected media payload, includes the IPMP tool list descriptor and the IPMP descriptor(s) (pointers)." Applicant further argued that "the basic concept is similarly described throughout Applicant's priority document, wherein this information is embedded in the beginning of the ISMA media stream to signal that the subsequent stream is protected, and by which tool it is protected." However, the cited portion of the priority document section 3.4 and 3.5 does not recited "the

Art Unit: 2437

information that is provided before the ISMA protected media payload” or “embedding information in the beginning of the ISMA media stream”.

The rest of the Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Priority***

5. The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application. The disclosure of the invention in the Foreign priority application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the foreign priority application, Application No. 2003-131372, fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. Application No. 2003-131372 does not describe that the ISMA media stream has an ISMA header.

### ***Information Disclosure Statement***

6. The information disclosure statement filed 2/8/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. No copy has been provided for the non-patent literature listed under number 1, “Encryption and

Art Unit: 2437

Authentication Specification", Version 1, (March 3, 2004), Internet Streaming Media Alliance.

7. The information disclosure statement filed 6/15/09 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. An English translated copy of the Chinese Office Action has not been provided.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Own Admitted Art, (hereinafter Admission) in view of Shamoon et al. (hereinafter Shamoon) US 7,233,948 and in view of Herpel et al. "MPEG-4 Elementary stream management" 2000, Elsevier Science, pages 299-320.

10. As per claims 1 and 3:

Admission discloses a device which transmits an ISMA media stream subjected to MPEG-4 IPMP extension, wherein an ISMA media stream having an ISMA header and including contents as a payload is constituted, and the ISMA media stream is

Art Unit: 2437

transmitted. (paragraph 2-5) Admission does not explicitly disclose IPMP tool list descriptor representing, as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. Shamoon in analogous art, however discloses that IPMP tool list descriptor representing, as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission with Shamoon in order to provide common formats and functions thereby easing difficulties in interoperability. (col. 1, lines 39-42; Shamoon)

Both references do not explicitly disclose wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. Herpel in analogous art, however, teaches wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. (2. Intellectual property management and protection; 5. Conveying object

Art Unit: 2437

descriptors as a stream; and 8. Structuring content by grouping streams) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission and Shamoon with Herpel in order to provide a system wherein IPMP descriptors can be updated or removed common formats and functions thereby easing difficulties in interoperability. (Herpel; 5.

Conveying object descriptor as a stream)

As per claims 2, 4 and 8:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the IPMP tool list descriptor is buried in an IOD of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claim 5:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claim 6:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein the IPMP descriptor pointer is buried in an ES descriptor of the ISMA media stream. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

As per claims 7 and 9:

The combination of Admission, Shamoon and Herpel teaches all the subject matter as discussed above. In addition, Shamoon further discloses wherein an ISMA Cryp parameter used in the ISMA Cryp decryption tool is stored in ISMA Cryp\_Data extended from IPMP\_Data\_Base Class. (col. 17, line 1–col. 19, line 46; col. 22, line 7-45)

11. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over ISMA –Releases Content Protection, Buisness Wire, March 31, 2003 (hereinafter ISMA) in view of Rambiha US 2002/0156712 and in view of Herpel et al. “MPEG-4 Elementary stream management” 2000, Elsevier Science, pages 299-320.

12. As per claims 1 and 3:

13. ISMA discloses a device which transmits an ISMA media stream subjected to MPEG-4 IPMP extension, wherein an ISMA media stream having an ISMA header and including contents as a payload is constituted, and the ISMA media stream is transmitted. (page 1-2; a single, end-to end encryption scheme for streaming media and licensed content protection devices ...media content stay encrypted throughout video delivery over IP networks and remain encrypted on player devices) ISMA does not explicitly disclose IPMP tool list descriptor representing, as a tool required for processing of the contents, at least one tool selected from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. Rambiha in analogous art, however discloses that IPMP tool list descriptor representing, as a tool required for processing of the contents, at least one tool selected



Art Unit: 2437

from a group including an IPMP tool, an ISMA Cryp decryption tool, and a key management (KMS ) tool is buried in the stream. (paragraph 39-49; 76, 110-115)

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by ISMA with Rambiha in order to implement an IPMP system to perform part or whole of the process of protecting and managing protected content. (paragraph 14; Rambiha)

Both references do not explicitly disclose wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. Herpel in analogous art, however, teaches wherein the ISMA media stream includes a plurality of payloads, wherein the header of the ISMA media stream includes an IPMP tool list descriptor and a plurality of IPMP descriptors, where each IPMP descriptor corresponds to one of the plurality of payloads, and wherein at least one IPMP descriptor is different from another IPMP descriptor of the plurality of IPMP descriptors. (2. Intellectual property management and protection; 5. Conveying object descriptors as a stream; and 8. Structuring content by grouping streams) Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the device disclosed by Admission and Shamoon with Herpel in order to provide a system wherein IPMP descriptors can be updated or removed common

formats and functions thereby easing difficulties in interoperability. (Herpel; 5.  
Conveying object descriptor as a stream)

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEWAYE GELAGAY whose telephone number is (571)272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2437

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shewaye Gelagay/  
Examiner, Art Unit 2437

/Emmanuel L. Moise/  
Supervisory Patent Examiner, Art Unit 2437